

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH BONNELL, JR.,

Defendant.

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Case No. 8:06CR33

**ORDER
and
REPORT AND RECOMMENDATION**

This matter is before the court on the defendant's Motion to Strike (#17) and Motion for Bill of Particulars (#15). Hearing was held on the motions on June 28, 2006. The government was represented by Michael Norris, Assistant United States Attorney. The defendant, who was present, was represented by David Stickman, United States Federal Public Defender.

At the conclusion of the hearing, I stated my conclusions on the record and my decision to grant the Motion to Strike (#17) and recommend that the Motion for Bill of Particulars (#15) be denied. In accordance with that announcement,

IT IS ORDERED:

1. The defendant's Motion to Strike (#17) is granted and the Clerk of the District Court is directed to strike from the February 24, 2006 Indictment, the following language contained in the second full paragraph on page three of the Indictment:

Joseph Bonnell, Jr. and his known co-conspirator acquired 71 additional loans acquiring property in Nebraska during 2004. Those properties are in foreclosure, resulting in a loss to the various financial institutions extending mortgages in excess of \$2,000,000.

IT IS RECOMMENDED to the Honorable, United States Senior Judge Lyle E. Strom, that the defendant's Motion for Bill of Particulars (#15) be denied for the reasons set out in the record.

FURTHER, IT IS ORDERED:

1. The clerk shall cause an expedited transcript of the hearing to be prepared and filed.

Pursuant to NECrimR 57.2 and 57.3, any appeal of this Order or objection to this Report and Recommendation shall be filed with the Clerk of the Court within ten (10) days after the transcript is available to counsel. Failure to timely appeal or object may constitute a waiver of any appeal or objection. The brief in support of any appeal or objection shall be filed at the time of filing such appeal or objection. Failure to file a brief in support of any appeal or objection may be deemed an abandonment of the appeal or objection.

Dated this 28th day of June 2006.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge